

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

1. MICHELLE ERNST, as )  
Personal Representative of the )  
Estate of DAVID MICHAEL ERNST, )  
deceased, )  
Plaintiff, )  
-vs- ) No. 14-CV-504-GKF-PJC  
1. CREEK COUNTY PUBLIC )  
FACILITIES AUTHORITY, )  
2. ADVANCED CORRECTIONAL )  
HEALTHCARE, INC., )  
Defendants. )



\* \* \* \* \*

DEPOSITION OF DAVID E. JOHNSEN, Ph.D.

TAKEN ON BEHALF OF THE DEFENDANTS

AT 2601 NORTHWEST EXPRESSWAY, SUITE 410W

OKLAHOMA CITY, OKLAHOMA

ON MARCH 16, 2016

COMMENCING AT 12:11 P.M.

\* \* \* \* \*

REPORTED BY: BETH A. McGINLEY, CSR, RPR

instaScript  
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1 DAVID E. JOHNSEN, Ph.D.,  
2 having been duly sworn, testified as follows:

3 \* \* \* \* \*

4 EXAMINATION

5 BY MR. MCMILLIN:

6 Q Would you state your name, please?

7 A David Edwin Johnsen.

8 Q And you're a clinical psychologist; is that  
9 right?

10 A Yes.

11 Q Okay. And you've provided us with your CV. Is  
12 your CV that you've provided up to date?

13 A Yes.

14 Q And could you tell me a little bit about the  
15 nature of your current practice?

16 A I've been in private practice since 1990 and it  
17 is a general clinical practice. It involves treatment of  
18 the various psychological disorders. My two areas of  
19 specialty are neuropsychology and chronic pain management.

20 Q And I understand you do quite a bit of work for  
21 workers' comp claimants, I guess? Or just in the workers'  
22 comp system; is that right?

23 A Just as an independent medical examiner for  
24 workers' comp.

25 Q Okay. What percentage of your practice involves

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1 employee.

2 Q And do you know what the jail did, if anything,  
3 after getting this phone call?

4 A I believe that a jail employee and probably one  
5 of the deputies spoke to Mr. Ernst.

6 Q And where are you -- how do you come to that  
7 belief?

8 A I believe that was a question that came up and I  
9 had asked Mr. Walsh about what the reaction was to that.

10 Q But have you seen any testimony or evidence, by  
11 way of any documents that supports that he was seen or are  
12 you just relying upon what Mr. Walsh told you?

13 A No, I don't recall seeing a document that  
14 addressed that.

15 Q Are you going to be providing any opinions about  
16 any of the jail's detention officers or deputies or jail  
17 employees?

18 A No.

19 Q Okay. Let's get back to your report again. And  
20 let's find that exhibit where you kind of list out your  
21 opinions and maybe we can go off of that. Okay, that's  
22 Exhibit 2. We've kind of got an overview of your  
23 opinions, and does this overview of your opinions contain  
24 all the opinions that are in your report that you're going  
25 to testify about?

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1 depression was noted on that.

2 Q Other than a note on intake that he had a  
3 history of a diagnosis of depression, are you aware of any  
4 evidence that suggests he was suffering from depression or  
5 diagnosed with depression during his incarceration?

6 A No, I'm not aware of any.

7 Q You haven't reviewed any of the jail's policies  
8 or procedures, have you?

9 A No.

10 Q You're not going to be providing any testimony  
11 or opinions about jail or ACH policies or procedures, are  
12 you?

13 A No.

14 Q You're not going to be providing any testimony  
15 that anyone was deliberately indifferent towards  
16 Mr. Ernst, are you?

17 A By "deliberate" or "indifference," can you --

18 Q Do you even know what that terms mean? Have you  
19 ever heard "deliberate indifference"?

20 A Well, I kind of know what "deliberate" and  
21 "indifferent" mean, but I -- I'm -- want to make sure --

22 Q Legally --

23 A -- that I understand how it's being used here.

24 Q Do you -- what does that mean, to you?

25 A Sort of apathetic and uncaring.